

Filed 6/26/08 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2008 ND 124

John Patrick Murphy,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20070375

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable Georgia Dawson, Judge.

AFFIRMED.

Per Curiam.

Mark Anthony Beauchene, P.O. Box 1680, Fargo, N.D. 58107-1680, for
petitioner and appellant; submitted on brief.

Kara Schmitz Olson, Assistant State's Attorney, P.O. Box 2806, Fargo, N.D.
58108-2806, for respondent and appellee; submitted on brief.

Murphy v. State
No. 20070375

Per Curiam.

[¶1] John Murphy appeals the district court's order denying his petition for post-conviction relief. Murphy argues the district court abused its discretion by denying the petition, which is necessary to correct a manifest injustice.

[¶2] We affirm the order under N.D.R.App.P. 35.1(a)(4) because the district court did not abuse its discretion by denying the petition.

[¶3] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
Daniel J. Crothers
Mary Muehlen Maring
Carol Ronning Kapsner